

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

)	
JOSE NUNES)	
Plaintiff)	
)	
V.)	Civil Action
)	
SANTA ISABEL FISHING CORPORATION)	No.
Defendants)	
)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

General Factual Allegations

1. The Plaintiff, Jose Nunes, is a resident of New Bedford, Massachusetts.
2. The Defendant, Santa Isabel Fishing Corporation, is a foreign corporation duly organized and existing under the laws of the Commonwealth of Massachusetts.
3. On or about July 23, 2019, the Defendant, Santa Isabel Fishing Corporation, was doing business within the Commonwealth of Massachusetts.
4. On or about July 23, 2019, the Plaintiff, Jose Nunes, was employed by the Defendant, Santa Isabel Fishing Corporation.
5. On or about July 23, 2019, the Plaintiff, Jose Nunes, was employed by the Defendant, Santa Isabel Fishing Corporation, as a seaman and a member of the crew of the F/V SANTA ISABEL.
6. On or about July 23, 2019, the Defendant, Santa Isabel Fishing Corporation, owned the F/V SANTA ISABEL.

7. The Defendant, Santa Isabel Fishing Corporation, chartered the F/V SANTA ISABEL from some other person or entity such that on or about July 23, 2019, the Defendant, Santa Isabel Fishing Corporation, was the owner pro hac vice of the F/V SANTA ISABEL.

8. On or about July 23, 2019, the Defendant, Santa Isabel Fishing Corporation, operated the F/V SANTA ISABEL.

9. On or about July 23, 2019, the Defendant, Santa Isabel Fishing Corporation, or the Defendant's agents, servants and/or employees, controlled the F/V SANTA ISABEL.

10. On or about July 23, 2019, the F/V SANTA ISABEL was in navigable waters.

11. On or about July 23, 2019, while in the in the performance of his duties in the service of the F/V SANTA ISABEL, the Plaintiff, Jose Nunes, sustained personal injuries.

12. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, Jose Nunes, was exercising due care.

Jurisdiction

13. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 et. seq. (formerly §688 et. seq.).

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and alternatively 28 U.S.C. § 1333.

COUNT I

JOSE NUNES V. SANTA ISABEL FISHING CORPORATION **(JONES ACT NEGLIGENCE)**

15. The Plaintiff, Jose Nunes, reiterates the allegations set forth in paragraphs 1

through 14 above.

16. The personal injuries sustained by the Plaintiff, Jose Nunes, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

17. As a result of said injuries, the Plaintiff, Jose Nunes, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

18. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Jose Nunes, demands judgment against the Defendant, Santa Isabel Fishing Corporation, in an amount to be determined by a jury together with interest and costs.

COUNT II

JOSE NUNES V. SANTA ISABEL FISHING CORPORATION **(GENERAL MARITIME LAW - UNSEAWORTHINESS)**

19. The Plaintiff, Jose Nunes, reiterates the allegations set forth in paragraphs 1 through 14 above.

20. The personal injuries sustained by the Plaintiff, Jose Nunes, were due to no fault of his, but were caused by the unseaworthiness of the F/V SANTA ISABEL.

21. As a result of said injuries, the Plaintiff, Jose Nunes, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

22. This cause of action is brought under the General Maritime Law for unseaworthiness and is for the same cause of action as Count II.

WHEREFORE, the Plaintiff, Jose Nunes, demands judgment against the Defendant, Santa Isabel Fishing Corporation, in an amount to be determined by a jury together with interest and costs.

COUNT III

JOSE NUNES V. SANTA ISABEL FISHING CORPORATION
(GENERAL MARITIME LAW - MAINTENANCE and CURE)

23. The Plaintiff, Jose Nunes, reiterates all of the allegations set forth in Paragraphs 1 through 14 above.

24. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, Jose Nunes, has incurred and will continue to incur expenses for his maintenance and cure. WHEREFORE, the Plaintiff, Jose Nunes, demands judgment against the Defendant, Santa Isabel Fishing Corporation, in an amount to be determined by a jury for maintenance and cure, together with costs and interest.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES

RAISED IN COUNTS I, II & III

Respectfully submitted for
the Plaintiff, JOSE NUNES,
by his attorneys,

/s/ Carolyn M. Latti
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